
SENATE BILL 5680

State of Washington 57th Legislature 2001 Regular Session

By Senators Kohl-Welles, Sheahan, Shin and Thibaudeau

Read first time 01/30/2001. Referred to Committee on Higher Education.

1 AN ACT Relating to University of Washington employees; amending RCW
2 41.06.152 and 41.56.201; and creating a new section.

3 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF WASHINGTON:

4 NEW SECTION. **Sec. 1.** In 1993, the legislature authorized
5 employees of institutions of higher education to exercise an option to
6 be governed under the public employees' collective bargaining act,
7 chapter 41.56 RCW, rather than the state civil service law, chapter
8 41.06 RCW. Currently, some University of Washington employees are
9 governed by chapter 41.56 RCW, while others with the identical
10 classifications are governed by chapter 41.06 RCW.

11 Legislation was adopted in 1996 to allow salary adjustments and
12 readjustments for groups of state employees covered under the state
13 civil service law. These adjustments allow the Washington personnel
14 resources board to address recruitment and retention issues, correct
15 salary compression or inversion problems, recognize increased duties
16 and responsibilities, and correct salary inequities. The law as passed
17 did not recognize employees who had exercised their option to bargain
18 collectively under chapter 41.56 RCW.

1 The purpose of this act is to apply any salary adjustments made
2 under RCW 41.06.152(2) for employees subject to chapter 41.06 RCW to
3 employees of institutions of higher education who are in identical or
4 substantially similar classifications and who have elected to be
5 governed under chapter 41.56 RCW. Inclusion of these employees in any
6 such salary adjustments would help achieve the desired result of easing
7 recruitment and retention problems.

8 **Sec. 2.** RCW 41.06.152 and 1999 c 309 s 914 are each amended to
9 read as follows:

10 (1) The board shall adopt only those job classification revisions,
11 class studies, and salary adjustments under RCW 41.06.150(15) that:

12 (a) Are due to documented recruitment and retention difficulties,
13 salary compression or inversion, increased duties and responsibilities,
14 or inequities. For these purposes, inequities are defined as similar
15 work assigned to different job classes with a salary disparity greater
16 than 7.5 percent; and

17 (b) Are such that the office of financial management has reviewed
18 the agency's fiscal impact statement and has concurred that the agency
19 can absorb the biennialized cost of the reclassification, class study,
20 or salary adjustment within the agency's current authorized level of
21 funding for the current fiscal biennium and subsequent fiscal biennia.

22 (2) In addition to reclassifications, class studies, and salary
23 adjustments under subsection (1)(b) of this section, the board may
24 approve other reclassifications, class studies, and salary adjustments
25 that meet the requirements of subsection (1)(a) of this section and
26 have been approved under the procedures established under this
27 subsection.

28 Before the department of personnel's biennial budget request is due
29 to the office of financial management, the board shall prioritize
30 requests for reclassifications, class studies, and salary adjustments
31 for the next fiscal biennium. The board shall prioritize according to
32 such criteria as are developed by the board consistent with RCW
33 41.06.150(15)(a).

34 The board shall submit the prioritized list to the governor's
35 office and the fiscal committees of the house of representatives and
36 senate at the same time the department of personnel's biennial budget
37 request is submitted. The office of financial management shall review

1 the biennial cost of each proposed salary adjustment on the board's
2 prioritized list.

3 In the biennial appropriations acts, the legislature may establish
4 a level of funding, from the state general fund and other accounts, to
5 be applied by the board to the prioritized list. Upon enactment of the
6 appropriations act, the board may approve reclassifications, class
7 studies, and salary adjustments only to the extent that the total cost
8 does not exceed the level of funding established in the appropriations
9 acts and the board's actions are consistent with the priorities
10 established in the list. The legislature may also specify or otherwise
11 limit in the appropriations act the implementation dates for actions
12 approved by the board under this section.

13 (3) When the board develops its priority list in the 1999-2001
14 biennium, for increases proposed for funding in the 2001-2003 biennium,
15 the board shall give top priority to proposed increases to address
16 documented recruitment and retention increases, and shall give lowest
17 priority to proposed increases to recognize increased duties and
18 responsibilities. When the board submits its prioritized list for the
19 2001-2003 biennium, the board shall also provide: A comparison of any
20 differences between the salary increases recommended by the department
21 of personnel staff and those adopted by the board; a review of any
22 salary compression, inversion, or inequities that would result from
23 implementing a recommended increase; and a complete description of the
24 information relied upon by the board in adopting its proposals and
25 priorities.

26 (4) This section applies to employees of institutions of higher
27 education who are in identical or substantially similar classifications
28 represented by an exclusive bargaining representative that has
29 exercised its option under RCW 41.56.201 to have its relationship and
30 obligations governed by chapter 41.56 RCW. Such classifications shall
31 be treated in a manner identical to classifications under this chapter
32 and shall be included in all budget requests submitted under this
33 chapter.

34 (5) This section does not apply to the higher education hospital
35 special pay plan or to any adjustments to the classification plan under
36 RCW 41.06.150(15) that are due to emergent conditions. Emergent
37 conditions are defined as emergency conditions requiring the
38 establishment of positions necessary for the preservation of the public
39 health, safety, or general welfare.

1 **Sec. 3.** RCW 41.56.201 and 2000 c 19 s 2 are each amended to read
2 as follows:

3 (1) At any time after July 1, 1993, an institution of higher
4 education and the exclusive bargaining representative of a bargaining
5 unit of employees classified under chapter 28B.16 or 41.06 RCW as
6 appropriate may exercise their option to have their relationship and
7 corresponding obligations governed entirely by the provisions of this
8 chapter by complying with the following:

9 (a) The parties will file notice of the parties' intent to be so
10 governed, subject to the mutual adoption of a collective bargaining
11 agreement permitted by this section recognizing the notice of intent.
12 The parties shall provide the notice to the Washington personnel
13 resources board or its successor and the commission;

14 (b) During the negotiation of an initial contract between the
15 parties under this chapter, the parties' scope of bargaining shall be
16 governed by this chapter and any disputes arising out of the collective
17 bargaining rights and obligations under this subsection shall be
18 determined by the commission. If the commission finds that the parties
19 are at impasse, the notice filed under (a) of this subsection shall be
20 void and have no effect; and

21 (c) On the first day of the month following the month during which
22 the institution of higher education and the exclusive bargaining
23 representative provide notice to the Washington personnel resources
24 board or its successor and the commission that they have executed an
25 initial collective bargaining agreement recognizing the notice of
26 intent filed under (a) of this subsection, chapter 28B.16 or 41.06 RCW
27 as appropriate shall cease to apply to all employees in the bargaining
28 unit covered by the agreement.

29 (2) All collective bargaining rights and obligations concerning
30 relations between an institution of higher education and the exclusive
31 bargaining representative of its employees who have agreed to exercise
32 the option permitted by this section shall be determined under this
33 chapter, subject to the following:

34 (a) The commission shall recognize, in its current form, the
35 bargaining unit as certified by the Washington personnel resources
36 board or its successor. For purposes of determining bargaining unit
37 status, positions meeting the criteria established under RCW 41.06.070
38 or its successor shall be excluded from coverage under this chapter.
39 An employer may exclude such positions from a bargaining unit at any

1 time the position meets the criteria established under RCW 41.06.070 or
2 its successor. The limitations on collective bargaining contained in
3 RCW 41.56.100 shall not apply to that bargaining unit.

4 (b) If, on the date of filing the notice under subsection (1)(a) of
5 this section, there is a union shop authorized for the bargaining unit
6 under rules adopted by the Washington personnel resources board or its
7 successor, the union shop requirement shall continue in effect for the
8 bargaining unit and shall be deemed incorporated into the collective
9 bargaining agreement applicable to the bargaining unit.

10 (c) Salary increases negotiated for the employees in the bargaining
11 unit shall be subject to the following:

12 (i) Salary increases shall continue to be appropriated by the
13 legislature. The exclusive bargaining representative shall meet before
14 a legislative session with the governor or governor's designee and the
15 representative of the institution of higher education concerning the
16 total dollar amount for salary increases and health care contributions
17 that will be contained in the appropriations proposed by the governor
18 under RCW 43.88.060;

19 (ii) The collective bargaining agreements may provide for salary
20 increases from local efficiency savings that are different from or that
21 exceed the amount or percentage for salary increases provided by the
22 legislature in the omnibus appropriations act for the institution of
23 higher education or allocated to the board of trustees by the state
24 board for community and technical colleges, but the base for salary
25 increases provided by the legislature under (c)(i) of this subsection
26 shall include only those amounts appropriated by the legislature, and
27 the base shall not include any additional salary increases provided
28 under this subsection (2)(c)(ii);

29 (iii) Any provisions of the collective bargaining agreements
30 pertaining to salary increases provided under (c)(i) of this subsection
31 shall be subject to modification by the legislature. If any provision
32 of a salary increase provided under (c)(i) of this subsection is
33 changed by subsequent modification of the appropriations act by the
34 legislature, both parties shall immediately enter into collective
35 bargaining for the sole purpose of arriving at a mutually agreed upon
36 replacement for the modified provision;

37 (iv) Any and all funding increases adopted under RCW 41.06.152(2)
38 shall also apply to the employees who are in identical or substantially
39 similar classifications under the collective bargaining unit.

1 (3) Nothing in this section may be construed to permit an
2 institution of higher education to bargain collectively with an
3 exclusive bargaining representative concerning any matter covered by:
4 (a) Chapter 41.05 RCW, except for the related cost or dollar
5 contributions or additional or supplemental benefits as permitted by
6 chapter 492, Laws of 1993; or (b) chapter 41.32 or 41.40 RCW.

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